

Message

From: sebyp@gtlaw.com [sebyp@gtlaw.com]
Sent: 3/24/2018 12:37:41 AM
To: sebyp@gtlaw.com
Subject: North Dakota et al v. U.S. EPA & Army Corps Order on Motion to Lift Stay
Attachments: 99553809_v 1_[Doc 185] Order lifting stay.pdf

Passing along today's very significant development in the *State of North Dakota et al v EPA/Army Corps* litigation concerning the agencies 2015 "Waters of the U.S." (WOTUS) Rule. I am proud to represent the State of North Dakota as a special assistant attorney general in this case , under Attorney General Wayne Stenehjem.

The Court today granted our Motion to Lift the Stay of that case- which Motion was filed immediately after receiving a unanimous decision from the US Supreme Court this past January agreeing with North Dakota et al that the states' challenge to the WOTUS Rule was properly brought in federal district court- and not the US Court of Appeals as the federal agencies had urged.

The District Court today also denied a competing motion made by the two federal agencies & the US DOJ seeking to further stay this important and nationally leading case – trying to prevent the Court from reaching the merits of North Dakota et al's legal claims. This means the case will now proceed with the Court's full consideration of the claims brought by North Dakota and its 12 sister states against the WOTUS Rule.

Lastly, the Court's Order contains an extensive review of the path this case has taken over the last three years and the significant substantive issues involved.

Best regards

Paul Seby
Shareholder
Greenberg Traurig, LLP | 1200 17th Street, Suite 2400 | Denver, Colorado 80202
Tel 303.572.6584
sebyp@gtlaw.com | www.gtlaw.com



From: ndd_nef@ndd.uscourts.gov [mailto:ndd_nef@ndd.uscourts.gov]
Sent: Friday, March 23, 2018 10:01 AM
To: CourtMail@ndd.uscourts.gov
Subject: Activity in Case 3:15-cv-00059-DLH-ARS North Dakota et al v. U.S. Environmental Protection Agency et al Order on Motion for Miscellaneous Relief

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first**

viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

U.S. District Court

District of North Dakota

Notice of Electronic Filing

The following transaction was entered on 3/23/2018 at 11:01 AM CDT and filed on 3/23/2018

Case Name: North Dakota et al v. U.S. Environmental Protection Agency et al

Case Number: 3:15-cv-00059-DLH-ARS

Filer:

Document Number: 185

Docket Text:

ORDER by Magistrate Judge Alice R. Senechal granting [165] Motion to Lift the Stay; denying [175] Motion for a Stay. (AS)

3:15-cv-00059-DLH-ARS Notice has been electronically mailed to:

Wayne K. Stenehjem wstenehjem@nd.gov

Charles D. McGuigan charles.mcguigan@state.sd.us, lynell.erickson@state.sd.us

Margaret I. Olson maiolson@nd.gov, ckvislen@nd.gov, jthiel@nd.gov, masagsve@nd.gov

Jennifer L. Verleger jverleger@nd.gov

Paul M. Seby sebyp@gtlaw.com, DENLitDock@GTLAW.com, lawsu@gtlaw.com

Stacey M. Bosshardt stacey.bosshardt@usdoj.gov

Martha C. Mann martha.mann@usdoj.gov

James C. Kaste james.kaste@wyo.gov, matt.mirowski@wyo.gov, sheri.briggs@wyo.gov

Peter K. Michael peter.michael@wyo.gov

Justin D. Lavene justin.lavene@nebraska.gov, desiree.konwinski@nebraska.gov

Frederick R. Yarger Fred.Yarger@coag.gov, Glenn.Roper@coag.gov

Gregory Campbell Ridgley greg.ridgley@state.nm.us

Jamie L. Ewing jamie.ewing@arkansasag.gov

Lawrence VanDyke lvandyke@ag.nv.gov, jriherd@ag.nv.gov, lvandyke4@gmail.com

Matthias L. Sayer matthiasl.sayer@state.nm.us

Peter G. Scott peter@scott-law.com

Franklin J. Falen main@buddfalen.com, karen@buddfalen.com, melissa@buddfalen.com

Harriet M. Hageman hhageman@hagemanlaw.com, admin@hagemanlaw.com

Anne K. Wasserburger awasserburger@hagemanlaw.com

Kristofor R. Swanson kristofor.swanson@usdoj.gov, Efile_nrs.enrd@usdoj.gov

Daniel R. Dertke daniel.dertke@usdoj.gov

Glenn E. Roper glenn.roper@coag.gov

Amy J. Dona amy.dona@usdoj.gov

Jacob J. Larson jacob.larson@iowa.gov

David S. Steward david.steward@iowa.gov

Janette K. Brimmer jbrimmer@earthjustice.org, apatel@earthjustice.org, cmcevoy@earthjustice.org,
hmurphy@earthjustice.org

Jennifer Cristie Chavez jchavez@earthjustice.org, lfuhrmann@earthjustice.org, rwinz@earthjustice.org

Lara Katz lara.katz@state.nm.us

Erik E. Petersen erik.petersen@wyo.gov, matt.mirowski@wyo.gov, sheri.briggs@wyo.gov

Christopher D. Peloso chris.peloso@alaska.gov

Julie Marie Blake julie.blake@ago.mo.gov, karen.bagby@ago.mo.gov

Mark Cecchini-Beaver mark.cecchini-beaver@deq.idaho.gov, christine.riggs@deq.idaho.gov

Melissa Schlichting mschlichting@mt.gov, edoj@mt.gov, juliejames@mt.gov

Dominic E. Draye solicitorgeneral@azag.gov

3:15-cv-00059-DLH-ARS Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1102363164 [Date=3/23/2018] [FileNumber=1187865-0

] [57ca8aae2206d9612059d0710732f92620ab01a29b245e00439aaf9a5bcc3ff3958
4fe1d5f83c8cf6388a97a371e2415b57e521e8174ee465fc581c93a2c4a11]]

If you are not an intended recipient of confidential and privileged information in this email, please delete it, notify us immediately at postmaster@gtlaw.com, and do not use or disseminate such information.